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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,026	04/08/2004	Pat Reich	A375.12-0001	9227

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EXAMINER

TORRES, ALICIA M

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/821,026

Applicant(s)

REICH, PAT

Examiner

Alicia M. Torres

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13 is/are allowed.
- 6) ☒ Claim(s) 1-4, 14 and 17 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Seegert et al. '870, hereafter Seegert '870, as cited by Applicant.

3. Regarding claims 1-4, Seegert '870 discloses an apparatus for adjusting the height of a mowing deck (16) of a riding mower relative to a ground surface, the riding mower having a frame (14) supporting an operator seating area and a deck lift system (10), wherein the mowing deck (16) is supported by the deck lift system (10), the apparatus comprising:

a lever (52) pivotally connected to the frame (14) of the mower proximate the operator seating area;

a moveable arm (80) pivotally linked to the lever (52) and operably connected to the deck lift system (10), the arm (80) comprising a shoulder (see Figure 2) between the lever (52) and the deck lift system (10) generally adjacent the operator seating area, wherein the shoulder connects to and extends generally normal to the arm (80); and

a cam wheel (76) rotationally connected to the frame (14) of the mower proximate the shoulder of the arm (80), the cam wheel (76) having an axis of rotation and an outer edge of

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varying radius relative to the axis of rotation, wherein the shoulder (of 80) contacts a portion of the outer edge when the lever (52) is in a first position, the shoulder (of 80) is spaced from the outer edge when the lever (52) is in a second position, and wherein the mowing deck (16) height above the ground surface is a function of the radius of the cam (76) outer edge in contact with the shoulder (of 80), as per claim 1; and

wherein the lever (52) is a foot actuatable lever, as per claim 2; and

further comprising a handle (70) connected to the cam wheel (76), the handle (70) enabling a user to rotate the cam wheel (76), as per claim 3; and

wherein the cam wheel (76) is fixed on a shaft (72) rotatable by the handle (70), the shaft (72) rotationally connected to the frame (14) of the mower, as per claim 4.

4. Regarding claims 14 and 17, Seegert discloses a deck lift system (10) for adjusting the height of a mowing deck (16) of a riding mower relative to a ground surface, the mower having an operator seating area and a frame (14), the deck lift system comprising:

a rear rotating assembly (84) rotatably connected to the frame (14) and connected to a rear portion of the mowing deck (16);

a front rotating assembly (60) rotatably mounted to the frame (14) and connected to a front portion of the mowing deck (16);

linking members (82) connecting the front (60) and rear (84) rotating assemblies;

a means (52) for operating the deck lift system (10) to raise and lower the mowing deck (16);

wherein the means for operating comprises:

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a lever (52) pivotally connected to the frame (14) proximate to the operator seating area;  
and

a displaceable arm (80) operably connected between the lever (52) and the deck lift  
system (10); and

means (70, 72, 76) operable within the operating means for adjusting the height of the  
mowing deck (30), wherein the means for adjusting the deck height comprises:

a shoulder (the notch shown in arm 80 of Figure 2) extending normal to a direction of  
displacement of the displaceable arm (80); and a cam wheel (76) rotationally connected to the  
frame (14) of the mower proximate the shoulder of the arm (80), the cam wheel (76) having an  
axis of rotation, an outer edge, and a varying radius relative to the axis of rotation, wherein a  
portion of the cam outer edge contacts the shoulder when the deck (16) is in the down position,  
and wherein the height of the deck (16) above the ground surface in the down position is a  
function of the radius of the cam outer edge in contact with the shoulder, as per claim 14; and

the means (10) for adjusting the deck height at the down position additionally comprising  
means (70) for locking the cam wheel (76) at a position representative of a selected deck height,  
as per claim 17.

***Allowable Subject Matter***

5. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be  
allowable if rewritten in independent form including all of the limitations of the base claim and  
any intervening claims.

Claim 9-13 are allowed.

***Response to Arguments***

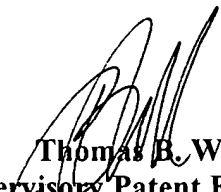
6. As shown in Figure 2, Seegert discloses a shoulder (the notch in arm 80) extending normal to the arm (80) which is pivotally linked to the lever (52). While the connection is not direct, the arm (80) will pivot with movement of the lever (52).

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 571-273-8300.

  
**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group Art Unit 3671**

AMT  
August 2, 2005